

## 2009 DRAFTING REQUEST

### Assembly Amendment (AA-ASA1-AB314)

Received: 08/17/2009

Received By: btradewe

Wanted: Today

Identical to LRB:

For: Louis Molepske Jr (608) 267-9649

By/Representing: Lloyd Clark

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Agriculture - pesticides

Extra Copies:

Submit via email: YES

Requester's email: Rep.Molepske@legis.wisconsin.gov

Carbon copy (CC:) to:

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Changes concerning information required to be provided

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#### Instructions:

See attached

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#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	btradewe 08/17/2009	bkraft 08/17/2009	rschluet 08/17/2009	_____	cduerst 08/17/2009		
/1	btradewe 08/18/2009	bkraft 08/18/2009	mduchek 08/18/2009	_____	cduerst 08/18/2009	cduerst 08/18/2009	

FE Sent For:

<END>

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FE Sent For:

1 bjk 8/18

AD  
8/18 <END>

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/?	btradewe	/P16jk 8/17		_____	_____	_____	_____
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FE Sent For:

<END>



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa0600/P1

RCT.....

Lbjk

Today

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY AMENDMENT ,**  
**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**  
**TO 2009 ASSEMBLY BILL 314**

→ Note

bh

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 2, line 9: delete that line.
- 3 **2.** Page 3, line 2: delete the material beginning with "all" and ending with
- 4 "description" on line 9 and substitute "to each county and municipal law enforcement
- 5 agency with jurisdiction over the area in which the pesticide will be applied a
- 6 description of the area to be treated and".
- 7 **3.** Page 3, line 10: after "application" insert ", including a telephone number
- 8 for the railroad and any toll-free telephone number maintained by the department
- 9 to provide information about pesticides".
- 10 (END)

D-note

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa0600/P1dn

RCT:.....

ljk

Date

Lloyd Clark:

This is a preliminary draft of the amendment to the substitute amendment to AB 314.

Because you are out of the office today, I went ahead with this draft, although I have some questions about your intent. I am not certain about how you want proposed s. 94.697 (2) (d) to read. It appears that you do not wish to make information about a specific application public, so I deleted the requirement to post the information on the Internet. The instructions indicated that the requirement to provide information about the location of the application should be deleted. However, it seems that the law enforcement agencies would need at least that information.

- \* If you are concerned about open records issues, ~~another~~ <sup>one</sup> approach would be to include an exception to the open records law. I am not an expert on the open records law, but I do not believe that all information provided to a law enforcement agency is exempt from ~~the law~~ <sup>disclosure</sup>.
- \*

As far as I can see, the statutes do not require DATCP to maintain a pesticide hotline. Therefore, I have modified the proposed language a little. If you wish, the draft could require DATCP to maintain a toll-free number to provide information about pesticides.

Please review this draft carefully and contact me with any questions or redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: becky.tradewell@legis.wisconsin.gov

**Tradewell, Becky**

---

**From:** Clark, Lloyd  
**Sent:** Friday, August 14, 2009 1:02 PM  
**To:** Tradewell, Becky  
**Subject:** RE: Pesticide Use by Railroads LRBs0092/1 - AB 314

Becky,

Are you going to shoot me if I ask for an amendment to the sub?

✓ 94.697 (2) (d) - we need to change language from the "clerk of each city, village and town" to "all local and county law enforcement units with jurisdiction in the area to be sprayed" - or something similar -

✓ 94.697 (2) (d) 1 and 2 are deleted and 3 is amended to add that this information must include phone numbers for DATCP Pesticide Hotline (1-800-943-0003) and the RR (usually their 800 number). Information provided to law enforcement is not subject to open records laws.

✓ 94.697 (2) (a) 1 is deleted.

This should be the very last changes needed for this bill (I have my fingers crossed).

Lloyd

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**From:** Tradewell, Becky  
**Sent:** Monday, July 27, 2009 9:53 AM  
**To:** Clark, Lloyd  
**Subject:** RE: Pesticide Use by Railroads.doc

You are welcome.

---

**From:** Clark, Lloyd  
**Sent:** Monday, July 27, 2009 9:48 AM  
**To:** Tradewell, Becky  
**Subject:** FW: Pesticide Use by Railroads.doc

Hi Becky,

Here are the final changes (as per DATCP). Also, 94.697 (3) (b) should specify that the training requirements are for employees that work along railroad right-of-ways and in railyards and those that may, due to the nature of their employment, work in areas in which these herbicides have been applied.

Thanks tons, Becky, I really appreciate the help.

Lloyd

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**From:** Bowman, Lori G - DATCP [mailto:Lori.Bowman@Wisconsin.gov]  
**Sent:** Friday, July 24, 2009 3:30 PM

08/17/2009

**To:** Clark, Lloyd; Tradewell, Becky  
**Cc:** Heaton-Amrhein, Jennifer A - DATCP; Moll, Keeley A - DATCP  
**Subject:** FW: Pesticide Use by Railroads.doc

Lloyd and Becky, I am sorry that I did not get back to you earlier. Jenni Heaton from my staff prepared the summary of comments that is attached. We thought it might help to see in print versus verbal only. If you would like to discuss, I am in the office until about 4 PM today. I will be in on Monday. Hope this helps and have a great weekend.

Lori G. Bowman  
Agrichemical Management Bureau Director  
Dept. of Agriculture, Trade and Consumer Protection  
608/224-4550

08/17/2009

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa0600/P1dn  
RCT:bjk:rs

August 17, 2009

Lloyd Clark:

This is a preliminary draft of the amendment to the substitute amendment to AB 314.

Because you are out of the office today, I went ahead with this draft, although I have some questions about your intent. I am not certain about how you want proposed s. 94.697 (2) (d) to read. It appears that you do not wish to make information about a specific application public, so I deleted the requirement to post the information on the Internet. The instructions indicated that the requirement to provide information about the location of the application should be deleted. However, it seems that the law enforcement agencies would need at least that information.

If you are concerned about open records issues, one approach would be to include an exception to the open records law. I am not an expert on the open records law, but I do not believe that all information provided to a law enforcement agency is exempt from disclosure.

As far as I can see, the statutes do not require DATCP to maintain a pesticide hotline. Therefore, I have modified the proposed language a little. If you wish, the draft could require DATCP to maintain a toll-free number to provide information about pesticides.

Please review this draft carefully and contact me with any questions or redraft instructions.

Rebecca C. Tradewell  
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E-mail: becky.tradewell@legis.wisconsin.gov



**Tradewell, Becky**

---

**From:** Clark, Lloyd  
**Sent:** Tuesday, August 18, 2009 10:18 AM  
**To:** Tradewell, Becky  
**Subject:** LRBa0600/P1 - RR Pesticide

Hi Becky,

It looks good, but we did want to include that a RR operating in WI have, on their website, contact information relating to their use of pesticides/herbicides. The information should have a contact phone number for the RR and for DATCP.

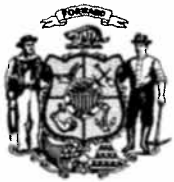
DATCP currently has a pesticide hotline #, but since it is not in statute, it is good idea to have it in the bill.

I'm in all day, so just give me a yell if you have any questions - and, as always, thanks for the help.

**LLOYD CLARK**

OFFICE OF REPRESENTATIVE LOUIS J. MOLEPSKE, JR.  
CHAIR - COMMITTEE ON JOBS, THE ECONOMY, AND SMALL BUSINESS  
608-267-9649  
888-534-0071

08/18/2009



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa0600/1  
RCT:bjk:rs

Today

Stays YMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

**ASSEMBLY AMENDMENT ,**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 2009 ASSEMBLY BILL 314**

bh *Insert*

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**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0600/lins  
RCT:.....

1           **Insert**

2           **1.** Page 3, line 10: after that line insert:

3           “(e) A railroad shall make available to the public on its Internet site a  
4 description of how to obtain answers to questions about pesticide use by the railroad,  
5 including a telephone number for the railroad and any toll-free number maintained  
6 by the department to provide information about pesticide use.”.